

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMANTHA TAMARA KENNY PEREZ,

Plaintiff,

v.

ANDREW SAUL,  
Commissioner, Social Security Administration,

Defendant.

No. 20-CV-513 (KMK)

ORDER ADOPTING  
REPORT & RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

Pro se Plaintiff Samantha Tamara Kenny Perez (“Plaintiff”) brings this Action, pursuant to 42 U.S.C. § 405(g), challenging the decision of the Commissioner of Social Security (“Commissioner”) denying her application for Supplemental Security Income (“SSI”). (Dkt. No. 1.)<sup>1</sup> On January 24, 2020, the Court referred the matter to the Honorable Magistrate Judge Paul E. Davison (“Judge Davison”). (Dkt. No. 14.) On July 14, 2020, the Commissioner filed a Motion for Judgment on the Pleadings to affirm the Commissioner’s decision denying Plaintiff’s application for SSI. (Dkt. Nos. 19–20.) On November 2, 2020, Judge Davison issued an Order noting that although Plaintiff’s opposition to the Commissioner’s Motion was due within 60 days after the Motion, no such opposition had been filed. (Dkt. No. 22.) In recognition of the fact that Plaintiff is proceeding pro se, Judge Davison granted Plaintiff an additional 30 days—until December 2, 2020—to file an opposition. (*Id.*) No such opposition was filed, and, on January 29, 2021, Judge Davison entered the Report & Recommendation (the “R&R”) recommending

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<sup>1</sup> Although Plaintiff initially filed in the United States District Court for the Eastern District of New York, (*see* Dkt. No. 1), the case was transferred to this Court pursuant to 28 U.S.C. § 1406(a), (*see* Dkt. No. 11).

that this Court grant the Commissioner's Motion and enter judgment for the Commissioner.

(Dkt. No. 23.) In the R&R, Judge Davison provided notice that objections to the R&R were due within 17 days, and that failure to object would preclude later appellate review of any order of judgment that would be entered. (R&R 42.) On February 18, 2021, Plaintiff filed a letter with the Court stating that she needed "a delay in court." (Dkt. No. 24.) By Memo Endorsement dated February 23, 2021, the Court gave Plaintiff until March 12, 2021 to file any objections. (Dkt. No. 25.) The Court noted that there would be no further extensions, and instructed Defense counsel to mail a copy of the Memo Endorsement to Plaintiff. (*Id.*) Defense counsel mailed the Memo Endorsement to Plaintiff on February 24, 2021. (Dkt. No. 26.) Plaintiff failed to file any objections by the March 12, 2021 deadline, and, on March 17, 2021, Defense counsel informed the Court that it had "not received anything from [Plaintiff] or otherwise been in contact with her." (*Id.*)

Because no objections have been filed, the Court "may adopt the report if there is no clear error on the face of the record." *Edwards v. Horn*, No. 10-CV-6194, 2012 WL 1592196, at \*1 (S.D.N.Y. May 4, 2012) (citations omitted); *see also Osborn v. Montgomery*, No. 15-CV-9730, 2018 WL 2059842, at \*1 (S.D.N.Y. May 1, 2018) (same), *appeal dismissed*, 2019 WL 2369924 (2d Cir. Jan. 16, 2019). Having reviewed the R&R for clear error and finding none, the Court adopts the R&R in its entirety.

Accordingly, it is hereby

ORDERED that the Report & Recommendation, dated January 29, 2021, is adopted in its entirety.

ORDERED that the Defendant's Motion for Judgment on the Pleadings is granted.

ORDERED that the Clerk of Court is respectfully directed to terminate the pending Motion, (Dkt. No. 19), and close this case.

ORDERED that the Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff at the address on the docket.

SO ORDERED.

DATED: March 29, 2021  
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', written over a horizontal line.

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KENNETH M. KARAS  
UNITED STATES DISTRICT JUDGE